

C. BRADLEY HALLEN (714) 298-1015

KIRBY AND HALLEN

7717 Friars Road, Suite 250

San Diego, CA 92108

Attorneys for Plaintiff

Important: Indicate in the space below the name of each attorney and provide address and telephone number.

J. Schlueter
Sept. 3 - 1982
J. SCHLUETER
DEATH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
220 West Broadway
San Diego, CA 92101

PLAINTIFF

MCGREGOR SEA & AIR SERVICES (AMERICA) INC.

DEFENDANT

CINEMATRONICS, INCORPORATED

APPLICATION FOR

CASE NUMBER

491479

DIRECT PLAINTIFF'S ATTORNEY ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT
 OPTIONAL WRIT OF ATTACHMENT TEMPORARY PROTECTIVE ORDER ***
 AFTER HEARING ** EX PARTE AGAINST PROPERTY OR NON-PROPERTY

1 Plaintiff (Name)

MCGREGOR SEA & AIR SERVICES (AMERICA) INC.

Plaintiff application after hearing ex parte for

- a right to attach order and writ of attachment
 writ of attachment
 b add to writ of attachment
 c temporary protective order ***
 d an order directing the defendant to transfer to the lessor or possession of property in defendant's possession
 X documentary evidence in defendant's possession or debt owed by defendant

2 Defendant (Name) CINEMATRONICS, INCORPORATED

- a is a corporation qualified not qualified to do business in California
 b is a California partnership or other unincorporated association is a foreign partnership which has has not
 filed a designation under Corp. C 15200
 c is an individual who resides does not reside in California
 d Attachment is sought for a purpose other than recovery on a claim for money which is not secured within the meaning
 of CCP 481.010 and is based upon a contract. The facts showing plaintiff is entitled to a judgment are set forth in the
 X complaint attachment affidavit. Following facts

of Milton Hallen, C. Bradley Hallen and George Hartford

- 4 The claim arises out of the conduct by the individual defendant of a trade, business or profession. The claim is not based
 on the right to use of property, the use of property, the furnishing of services, or the loan of money where any
 of the foregoing is used by the defendant primarily for personal, family or household purposes
 5 Plaintiff seeks to recover from defendant the amount, exclusive of interest of \$ 92,829.01
 a which includes estimated costs of \$ 1,000
 b which includes estimated allowable attorney fees of \$ 4,000
 6 Plaintiff has no information or belief that this claim is discharged or the prosecution of the action is stayed in a proceeding under
 the National Bankruptcy Act

(Continued on reverse side)

The above plaintiff is a citizen of the state of California. The cause of action accrued January 1, 1982. The cause of action does not exceed ten years from the date of the cause of action. The cause of action accrued January 1, 1982. The cause of action generally of parties must be filed in the state in which the defendant resides or in a state that allows use of a substituted process or affords similar protection against attachment.

** Alternatively requested relief only.

From: Attorneys for Plaintiff
Kirby and Hallen
Date: September 3, 1982

APPLICATION FOR ATTACHMENT,
TEMPORARY PROTECTIVE ORDER, ETC.

484,010 484,510 484,810

484,510 484,810 484,510

485,510 485,510 486,010

Form 301 G-16

7. Plaintiff is informed and believes that the following property sought to be attached is subject to attachment:

a. [] Real property standing in the name of defendant or any other person (Describe property, state name and address of other person in the manner required by C.C.P. 488.110)

b. [] Tangible personal property in the possession of defendant or any other person (Describe property, state name and address of other person)

c. [] Farm products or inventory of a going business (Describe)

d. [] Motor vehicles or vessels which are equipment of a going business and for which a certificate of ownership has been issued by the Department of Motor Vehicles (Describe)

e. [] Equipment of a going business (Other than in item 7d. Describe)

f. [] Growing crops or timber to be cut standing on the real property of the defendant or any other person (State location of and describe crops or timber, state name of other persons)

g. [] Money of an individual defendant

- (1) [] located on the premises where a trade, business or profession is conducted by defendant
- (2) [] in excess of \$1,000 located elsewhere than on the premises where a trade, business or profession is conducted by defendant and not in deposit accounts
- (3) [] located in a deposit account in excess of \$1,000
- (4) [] in excess of an aggregate amount of \$1,000 located [] in deposit accounts, [] in a deposit account and money located elsewhere than on the premises where a trade, business or profession is conducted by defendant

h. [] Property covered by the bulk sales notice recorded in

County

on (Date) or the proceeds of the sale of such property

i. [] Plaintiff's pro rata share of proceeds from an escrow in which defendant is liquid trustee (Numbered) is sold

j. [X] Any corporate or partnership (California corporation disregarded) property for which a method of levy is provided. (Use only for other than an individual defendant.)

k. [] Any property of a nonresident defendant for which a method of levy is provided (C.C.P. 492.060)

l. [] Other property (C.C.P. 488.370, 488.410) (Describe)

8. Plaintiff is informed and believes that the property sought to be attached is not exempt from attachment
9. The court issued a Right to Attach Order on (Date) _____ pursuant to CCP 484.090 (On hearing)
and Order for Writ of Attachment pursuant to CCP 484.030 (Nonresident) _____ and Order for Writ of Attachment
pursuant to CCP 484.2(a) (of a party)
10. The court pursuant to CCP 484.2(d) found plaintiff entitled to a Right to Attach Order on (Date)
11. Nonresident defendant has not filed a general appearance
12. Plaintiff alleges on ex parte application for order for writ of attachment. "X" is informed and believes no application
for temporary protective order that plaintiff would suffer great or irreparable injury if the order is not issued before the matter
can be heard on notice because:
a. It may be inferred that there is a danger that the property sought to be attached would be:
(1) "consumed"
(2) substantially impaired in value
(3) made unavailable to levy by other than concealment or impairment in value
and the inference is supported by facts set forth in the verified complaint attached affidavit S (3)
 following facts (Specify)

- b. A bulk sales notice was recorded on _____ County
on (Date) _____ and published pursuant to Division 6 of the Commercial Code with respect
to a bulk transfer by the defendant.
c. An excess has been opened pursuant to the provisions of Bus & PC 24074 with respect to the sale by the defendant
of a liquor license (Numbered).
d. Other circumstances (Indicate)

13. Plaintiff requests the following relief in the temporary protective order (Specify)

No transfers of corporate assets without Court approval.

14. Plaintiff has filed an undertaking in the amount of \$ _____
 has not filed an undertaking but will forthwith

Date: *9/7/82*

MC GREGOR SEA & AIR SERVICES (AMERICA) INC.

(Type or print name of applicant)

James P. Cesped
By Senior Vice President

(Name and title)

James P. Cesped
(Signature of applicant)

15. All facts contained herein are within the declarant's personal knowledge as shown by the following:

I have direct supervisory authority over and a complete working
knowledge of all import transactions by MSAS and have personally examined
our business records relating DECLARATION to all relevant transactions
with defendant.

I declare under penalty of perjury, that the foregoing is true and correct and that this declaration is executed
on (Date) *Sept 20* at (Place) *Burlingame*, California

James P. Cesped

(Type or print name)

James P. Cesped
(Signature of declarant)

16. Total number of pages attached: 10 in addition to verified complaint.